

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

ROBERT MEDINA,  
a/k/a "Pops,"  
RUBEN ESTRADA,  
a/k/a "Mafia," and  
JOHN JONES,  
a/k/a "Doe,"  
a/k/a "Doughboy,"

Defendants.

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COUNT ONE

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:  
: **SEALED**  
: **SUPERSEDING INDICTMENT**  
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: S3 13 Cr. 272 (PGG)

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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/6/14

The Grand Jury charges:

1. In or about 2012, in the Southern District of New York and elsewhere, ROBERT MEDINA, a/k/a "Pops," RUBEN ESTRADA, a/k/a "Mafia," and JOHN JONES, a/k/a "Doe," a/k/a "Doughboy," the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that ROBERT MEDINA, a/k/a "Pops," RUBEN ESTRADA, a/k/a "Mafia," and JOHN JONES, a/k/a "Doe," a/k/a "Doughboy," the defendants, and others known and unknown, would and did distribute and

possess with intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances that ROBERT MEDINA, a/k/a "Pops," and RUBEN ESTRADA, a/k/a "Mafia," the defendants, conspired to distribute and possess with the intent to distribute were: (a) 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(A); and (b) mixtures and substances containing a detectable amount of marijuana in violation of Title 21, United States Code, Section 841(b)(1)(D).

4. The controlled substance that JOHN JONES, a/k/a "Doe," a/k/a "Doughboy," the defendant, conspired to distribute and possess with the intent to distribute was 280 grams and more of mixtures and substances containing a detectable amount of cocaine base, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

5. In or about 2012, and on occasions other than the murder of Gary Clark on or about July 28, 2012, in the vicinity of 718 East 228th Street, Bronx, New York, as charged in Count Four, in the Southern District of New York, ROBERT MEDINA, a/k/a

"Pops," and RUBEN ESTRADA, a/k/a "Mafia," the defendants, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, to wit, the narcotics conspiracy charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, and did aid and abet the use, carrying, and possession of firearms, which were brandished and discharged.

(Title 18, United States Code, Sections 924(c)(1)(A)(i), 924(c)(1)(A)(ii), and 924(c)(1)(A)(iii), and 2.)

COUNT THREE

The Grand Jury further charges:

6. On or about July 28, 2012, in the Southern District of New York, JOHN JONES, a/k/a "Doe," a/k/a "Doughboy," the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, to wit, the narcotics conspiracy charged in Count One of this Indictment, knowingly did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which was discharged in the vicinity of East 228th Street in the Bronx, New York.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.)

COUNT FOUR

The Grand Jury further charges:

7. On or about July 28, 2012, in the Southern District of New York, ROBERT MEDINA, a/k/a "Pops," and RUBEN ESTRADA, a/k/a "Mafia," the defendants, willfully and knowingly, during and in relation to a drug trafficking crime for which they may be prosecuted in a court of the United States, namely, the narcotics conspiracy charged in Count One of this Indictment, did use and carry a firearm, and, in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, and in the course of that crime did cause the death of a person through the use of a firearm, which killing is murder as defined in Title 18, United States Code, Section 1111(a), to wit, MEDINA and ESTRADA caused the death of Gary Clark, by discharging, and aiding and abetting the discharge, of a firearm at Clark, in the vicinity of 718 East 228th Street, Bronx, New York.

(Title 18, United States Code, Sections 924(j) and 2.)

SPECIAL FINDINGS

8. Count Four of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Four of the Indictment, alleging the use of a firearm during and in relation to a drug trafficking crime and causing

the murder of Gary Clark, the defendant ROBERT MEDINA, a/k/a "Pops," :

a. was 18 years of age or older at the time of the offense;

b. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Gary Clark died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));

c. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Gary Clark died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

d. in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5)); and

e. intentionally killed and attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

9. Count Four of the Indictment is realleged and incorporated by reference as though fully set forth herein. As to Count Four of the Indictment, alleging the use of a firearm during and in relation to a drug trafficking crime and causing the murder of Gary Clark, the defendant RUBEN ESTRADA, a/k/a "Mafia,":

a. was 18 years of age or older at the time of the offense;

b. intentionally killed Gary Clark (Title 18, United States Code, Section 3591(a)(2)(A));

c. intentionally inflicted serious bodily injury that resulted in the death of Gary Clark (Title 18, United States Code, Section 3591(a)(2)(B));

d. intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than one of the participants in the offense, and Gary Clark died as a direct result of the act (Title 18, United States Code, Section 3591(a)(2)(C));

e. intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life and Gary Clark died as a

direct result of the act (Title 18, United States Code, Section 3591(a)(2)(D));

f. has previously been convicted of a Federal or State offense punishable by a term of imprisonment of more than one year, involving the use or attempted or threatened use of a firearm against another person (Title 18, United States Code, Section 3592(c)(2));

g. in the commission of the offense, knowingly created a grave risk of death to one or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5)); and

h. intentionally killed and attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

#### FORFEITURE ALLEGATION

10. As a result of committing the controlled substance offense charged in Count One of this Indictment, ROBERT MEDINA, a/k/a "Pops," RUBEN ESTRADA, a/k/a "Mafia," and JOHN JONES, a/k/a "Doe," a/k/a "Doughboy," the defendants, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the defendants obtained directly or indirectly as a result of the offense and any and all property used or intended to be used in any manner or part to commit and to

facilitate the commission of the offense charged in Count One of this Indictment.

Substitute Asset Provision

11. If any of the above described forfeitable property, as a result of any act or omission of ROBERT MEDINA, a/k/a "Pops," RUBEN ESTRADA, a/k/a "Mafia," and JOHN JONES, a/k/a "Doe," a/k/a "Doughboy," the defendants:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)



FOREPERSON



PREET BHARARA  
United States Attorney



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SOUTHERN DISTRICT OF NEW YORK

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SUPERSEDING INDICTMENT


S3 13 Cr. 272 (PGG)

(21 U.S.C. § 846; 18 U.S.C. §§ 924(c)(1)(A),  
924(j)(1), and 2)

PREET BHARARA

United States Attorney.

A TRUE BILL

  
Foreperson.

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4/21/24 - Filed Sealed Superseding Indictment  
AKW issued. Judge Fox  
USMJ